

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

[Please read instructions before completing and for Notice regarding public burden.]

SECTION I - General Information

1. Name and Mailing Address of Respondent
 RCN Telecom Services, New York LLP
 1133 Ave. of the Americas
 New York, NY 10036

☒ Check here if this
 is a change of
 address.

2. Year Report Filed 2019	3. Reporting Period (Ending Date of Pay Period Covered by Report) 3/22/19	4. Number of Full-Time Employees during Selected Reporting Period (check one): a. <input type="checkbox"/> Fewer than 16 (complete Sections I, IV, and V only) b. <input checked="" type="checkbox"/> 16 or more (complete all sections)
-------------------------------------	--	---

SECTION II - Full-Time Employees.

SECTION II - Full-Time Employees																
Job Categories		Number of Employees (Report employees in only one category)														
		Race/Ethnicity														
		Hispanic or Latino		Not-Hispanic or Latino												
				Male						Female						
		Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers		1.1		1												1
First/Mid-Level Officials and Managers		1.2	3	1	20	4	1			4	3	1			1	38
Professionals		2	2	6	3		2			2	1					18
Technicians		3	7	4	9		1									21
Sales Workers		4	4	16	1	2	2		3	1	4					33
Administrative Support Workers		5		1	5					1	7					18
Craft Workers		6	11	2	8		3		1							25
Operatives		7														0
Laborers and Helpers		8														0
Service Workers		9														0
TOTAL		10	27	50	30	2	9	0	4	8	15	1	0	0	1	154
PREVIOUS YEAR TOTAL		11	26	41	35	2	9	0	4	10	13	1	0	0	1	149
																FCC 398

SECTION III - Part-Time Employees.

Number of Employees
(Report employees in only one category)

Race/Ethnicity

Job Categories	Not-Hispanic or Latino														Total Columns A - N
	Hispanic or Latino		Male							Female					
	Male	Female	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	White	Black or African American	Native Hawaiian or Other Pacific Islander	Asian	American Indian or Alaska Native	Two or more races	
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Executive/Senior Level Officials and Managers	1.1														0
First/Mid-Level Officials and Managers	1.2														0
Professionals	2														0
Technicians	3														0
Sales Workers	4														0
Administrative Support Workers	5														0
Craft Workers	6														0
Operatives	7														0
Laborers and Helpers	8														0
Service Workers	9														0
TOTAL	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PREVIOUS YEAR TOTAL	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0

SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.

☐ This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

☒ This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company. (Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.)

SECTION V - Certification

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date

05/31/2019

Typed or Printed Name of Person Signing

Kenneth Conrad

Signature

Telephone No.

(609) 681-2189

Title of Person Signing

Vice President, Human Resources

WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).



RCN Telecom Svc. NY, LLP
22-15 43rd Ave., 4th Floor
Long Island City, NY 11101

RE: FCC Form 395 Section IV
2019 Filing Year

Charge: Civil Action – RCN Telecom Services LLC d/b/a RCN Business and Bruce Abbott in United States District Court Southern District of New York.

Charge / Docket #: 1:18-cv-00351- AT

Employee:

Filing Date: January 15, 2018

Background:

Ex-employee was hired on May 11, 2015 by RCN into the position of Sr. C1 Account Executive which is a commercial sales position in our New York City Market. The employee was unsuccessful in this outside sales position and was severely under performing in the role and was provided counseling and guidance. Rather than separating the employee management reached a mutual agreement with employee to move from the sales rep role to a Sr. Sales Operations Specialist position in September 2015 providing support to other sales representatives and working to resolve escalated customer issues during implementation as well at contract renewal time which he was responsible to help secure the contract renewal. With this change in responsibilities management continued employee at his current base salary. In this new role the employee at the time again severely underperformed management's expectations. Employee was transferred to new supervisor on January 18, 2016. As a result of the poor performance the employee's manager had to work with him closely and closely manage his day to day responsibilities to ensure that tasks were being performed. Ultimately management held numerous one on one meetings with employee and developed a Performance Improvement Plan which was provided to employee in March 2016. Numerous one on meeting relating to the Performance Improvement Plan continued through 2016 however employee's performance continued to remain unacceptable with updates being made to the improvement plan. In February 2017 employee was provided with a Final Written Warning which was signed by both employee and management. Employee's performance continued at an unacceptable level and employee's employment was separated on March 7, 2017.

Following separation the employee obtained a lawyer who reached out to the Company presenting that the company did not handle employee's compensation correctly and felt that we had misclassified him as a salaried employee when in fact his position was hourly. The now terminated employee and his

attorney presented a request for payment which the company did not agree to. As a result the employee and his attorney filed Civil Action in the United States District Court Southern District of New York. In the Civil Action employees attorney is alleging that the Company and the local market executive misclassified the employee in his position and did not compensate him appropriately as an hourly employee and as a result did not pay employee for actual overtime worked thus violating the FSLA and NY Labor Law requirements and failure to provide wage notices and statement. Attorney is also seeking to bring this claim forward as a class action law suit as others exist in this title across the company

Status:

RCN working with outside counsel has responded and submitted an answer to employees Civil Action. At this time both RCN and employees attorney are in discovery mode and have submitted Interrogatories and are pulling necessary documentation together as responses and objections were due on May 17th. At this time the case continues to proceed down the legal process.

Update: Both ex-employee and their attorney continued with case as well as did company. The court scheduled a mediation in August 2018. Both employee and company participated in a mediation session on August 21, 2018 and the action was settled. As a result the legal action is now closed on this matter.